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1. An **examiner's amendment** to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

**In the claims:**

**Cancel claims** 62-65, 67-70, 72-75, 77-80, 91-94, 101, 104-107, 131, 140-144, 145-150, 152-168 & 169-180.

**Please amend** the following independent claims 61, 66, 71, 76 & 151 to include dependent claim limitations as follows:

In **claim 61**, line 19 after "layer;" insert – wherein said insulating layer comprising silicon oxide is formed before the irradiating with the condensed laser beam; –.

In **claim 66**, line 19 after "crystallized;" insert –removing an insulating layer comprising silicon oxide from an upper surface of the crystallized semiconductor layer; wherein said insulating layer comprising silicon oxide is formed before the irradiating with the condensed laser beam; –.

In **claim 71**, line 20 after "layer;" insert – wherein said insulating layer comprising silicon oxide is formed before the irradiating with the condensed laser beam; –.

In **claim 76**, line 19 after "crystallized;" insert –removing an insulating layer comprising silicon oxide from an upper surface of the crystallized semiconductor layer; wherein said insulating layer comprising silicon oxide is formed before the irradiating with the condensed laser beam; –.

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In **claim 151**, line 19 after "layer;" insert – wherein said insulating layer comprising silicon oxide is formed before the irradiating with the condensed laser beam; –.

2. The following is an examiner's **statement of reasons for allowance**: as dependent claims 176-180 were withdrawn from the rejection in the Examiner's Answer (page 2-3, 2/20/2009; noted on page 2 of BPAI decision), these claims were not part of the appealed claims that were affirmed, but neither were these dependent claims indicated allowable (& objected to for their dependents) prior to the appeal; therefore as per MPEP 1214.06 I & II, the claims having the limitations of dependent claim 176-180, plus the independent claim & all intervening claims from which they depend, are put in independent form by the above amendment (i.e. 61+176; 71+177; 66+144+176; 151+179; & 76+168+180); and as required, all rejected claims that the appeal & court decisions affirmed are canceled. Note for convenience of amending, claims 176-180 are being added to their independent claims, but this does not permit the dependent claims that did not include the limitations being added by examiners amendment, to be included in the allowed claims, as claims having subject matter of the affirmed rejection are required to be canceled, & further prosecution is closed, so further prosecution of amending to change the scope of these dependent to have them depend from the independent form of claims 176-180 (e.g. as amended above 61, 71, 66, 151 & 76, respectively) would be contrary to MPEP 1214.06 I, thus is not permissible.

Art of interest noted during the update & interference search includes: Yamazaki [et al.] (7,615,384 B2 & 7,902,002 B2), Kusumoto et al. (7,517,774 B2), Sugahara et al. (7,553,778 B2) & Yazaki et al. (7,723,135 B2), all concerning laser techniques relevant to [re-]crystallization of semiconductor material or devices made therewith.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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3. **Any inquiry** concerning this communication or earlier communications from the examiner should be directed to **Marianne L. Padgett** whose telephone number is **(571) 272-1425**. The examiner can normally be reached on M-F from about 9:00 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dah-Wei Yuan, can be reached at (571) 272-1295. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Marianne L. Padgett/  
Primary Examiner, Art Unit 1717

MLP/dictation software

7/16/2012